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PATENT

CERTIFICATE OF EXPRESS MAIL  
EV 303325928 US

I hereby certify that on 8-10-04, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage to in an envelope addressed to: Mail Stop Petition, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Dorothy ChambersApplicant: **Gordon H. Epstein**

Serial No.: 10/072,509

Filed: 02/05/2002

Title: Method of Applying  
Composition to a Surface

EXAMINER: J. THISELL

Group Art Unit: 3763

Atty Docket No.: 14363-0053

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 120 OF A PRIOR COENDING  
NONPROVISIONAL APPLICATION

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions, in accordance with Section 1.78(a)(3), to claim the benefit, for this application under 35 U.S.C. 120 of prior copending nonprovisional application numbers: 08/863,883, filed May 28, 1997, naming Gordon H. Epstein as inventor, now U.S. Patent No. 6,394,975, which is a divisional of U.S. Utility Application Serial No. 08/703,148 filed Aug. 29, 1996, now U.S. Patent No. 5,879,340, which is a continuation of U.S. Utility Application Serial No. 08/645,464 filed May 13, 1996, now U.S. Patent No. 5,976,102, which is a continuation of U.S. Utility Application Serial No. 08/370,793 filed Jan. 10, 1995, now U.S. Patent No. 5,648,265, which is a divisional of U.S. Utility Application Serial No. 08/090,587 filed Jul. 12, 1993, now U.S. Pat. No. 5,405,607, which is a divisional of U.S. Utility Application Serial No. 07/372,443, filed Jun. 23, 1989 and now U.S. Patent No. 5,226,877.

08/13/2004 HALI11 00000023 501329 10072509

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Applicant: Gordon H. Epstein  
Serial No.: 10/072,509  
Group Art Unit: 3763

PATENT  
Docket No. 14363-0053

Applicant states that the entire delay between the date the claim for the benefit of the earlier applications was due under paragraph (a)(2)(ii) of 34 C.F.R. 1.78 and the date this claim is filed was unintentional.

The surcharge fee set forth in 1.17(t) required by 37 C.F.R. 1.55(c)(1), is paid as follows: The Commissioner is hereby authorized to charge payment of \$1,330 or credit any overpayment to Deposit Account No. 50-1329. A duplicate copy of this sheet is enclosed.

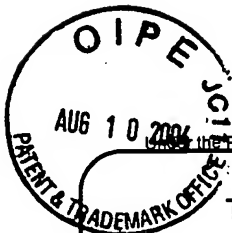
Respectfully submitted,

Dated: 8/10/04



Bruce M. Canter  
Registration No. 34,792

STRADDLING YOCCA CARLSON AND RAUTH  
660 Newport Center Drive, Suite 1600  
Newport Beach, CA 92660  
Telephone: (949) 725-4000  
Facsimile: (949) 725-4100  
*Customer Number: 31,278*



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/072,509	
	Filing Date	02/05/2002	
	First Named Inventor	Gordon Howard Epstein	
	Art Unit	3763	
	Examiner Name	J. Thissell	
Total Number of Pages in This Submission	3	Attorney Docket Number	14363-0053

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Postage Paid Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Bruce M. Canter, Reg. No. 34,792
Signature	<i>Bruce M. Canter</i>
Date	8/10/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
		EXPRESS MAIL NO.: EV 303325928 US	
Typed or printed name	Dorothy Chambers		
Signature	<i>Dorothy Chambers</i>	Date	8-10-04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1330

## Complete If Known

Application Number 10/072,509  
Filing Date 02/05/2002  
First Named Inventor Gordon H. Epstein  
Examiner Name J. Thissell  
Art Unit 3763  
Attorney Docket No. 14363-0053

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ other ☐ None

☒ Deposit Account

Deposit Account Number 50-1329  
Deposit Account Name Bruce M. Canter

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20**	X		0
Independent Claims	3**	X	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 over original patent	
SUBTOTAL (2)				(\$)	0

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	77	281C	385	Request for Continued Examination (RCE)	
1802	90	1802	900	Request for expedited examination of a design application	
Other fee (Specify) 1.17(t) - Petition to Claim Benefit Under 34 USC 120					1330
* Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$)
					1330

### SUBMITTED BY

(Complete (if applicable))

Name (Print/Type) Bruce M. Canter Registration No. (Attorney/Agent) 34,792 Telephone 949-725-4151  
Signature [Signature] Date 8/10/04

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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